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3738  
PATENT  
Attorney Docket No. 101.0084-01000  
Customer No. 22882



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Gary K. Michelson

Serial No.: 09/921,844

Filed: August 3, 2001

For: SPINAL IMPLANT SURFACE  
CONFIGURATION

Group Art Unit: 3738

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MAY 13 2002  
1C 3100 MAIL ROOM

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

**CERTIFICATE OF MAILING VIA FIRST CLASS MAIL**

Date of Deposit: April 25, 2002

I hereby certify that:

1. Transmittal Form (in duplicate; \$72 additional claims fee charged to Deposit Account No. 50-1066)
2. Amendment
3. Self-addressed return postcard receipt

are being deposited with the United States Postal Service to Addressee with sufficient postage as first class mail under 37 C.F.R. § 1.8 on the date indicated above and are addressed to:

Assistant Commissioner for Patents  
Washington, D.C. 20231

Date: April 25, 2002

Sandra L. Blackmon

14500 Avion Parkway, Suite 300  
Chantilly, VA 20151-1101  
Telephone: 703-679-9300  
Facsimile: 703-679-9303



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TC 3700 MAIL ROOM

Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

Transmitted herewith is an Amendment in the above-identified application.

- ☐ No additional fee is required.
- ☐ Applicant hereby requests a \*\*\*-month extension of time to respond to the above office action.

The fee has been calculated as shown below:

|   | (Col. 1)<br>CLAIMS REMAINING<br>AFTER AMENDMENT |   | (Col. 2)<br>HIGHEST NUMBER<br>PREVIOUSLY PAID FOR | (Col. 3)<br>PRESENT<br>EXTRA* | LG/SM<br>\$ ENTITY FEE                               |                    | ADD'L<br>FEE DUE |
|---|---|---|---|-------------------------------|--|--------------------|------------------|
| TOTAL CLAIMS FEE                                | 75  | - | 71  | **                            | 4  | LG=\$18<br>SM=\$9  | \$18<br>\$ 72.00 |
| INDEPENDENT<br>CLAIMS FEE                       | 2   | - | 3   | ***                           | 0  | LG=\$84<br>SM=\$42 | \$84<br>\$ 0     |
| FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIMS |   |   |   |                               | LARGE ENTITY FEE = \$280<br>SMALL ENTITY FEE = \$140 |                    | \$ 0             |
| TOTAL   |   |   |   |                               |  |                    | \$ 72.00         |

\* If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.

\*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, write "20" in this space.

\*\*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, write "3" in this space. The "Highest Number Previously Paid For" (Total or Independent) is the highest number found from the equivalent box on Col. 1 of a prior amendment or the number of claims originally filed.

- ☒ A fee in the amount of \$72.00 to cover the additional claims is to be charged to Deposit Account No. 50-1066.
- ☐ A fee in the amount of \$\*\*\* to cover the \*\*\*-month extension of time is enclosed.
- ☐ A check in the amount of \$\_\_\_ to cover the above fees is enclosed.
- ☒ The Commissioner is hereby authorized to charge any deficiencies of fees associated with this communication or credit any overpayment to Deposit Account No. 50-1066. **A copy of this sheet is enclosed.**
- ☒ Any filing fees under 37 C.F.R. § 1.16 for the presentation of extra claims
- ☒ Any patent application processing fees under 37 C.F.R. § 1.17

Respectfully submitted,  
MARTIN & FERRARO, LLP

Date: April 25, 2002

By: Thomas H. Martin  
Thomas H. Martin  
Registration No. 34,383  
Attorney for Applicant

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Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

AMENDMENT

Prior to the examination of the above application, please amend this application  
as follows:

IN THE CLAIMS:

Please add the following new claims:

203. The spinal implant of claim 1, in combination with a fusion promoting substance.
204. The spinal implant of claim 203, wherein said fusion promoting substance includes at least one of bone, bone morphogenetic protein, hydroxyapatite, and genes coding for the production of bone.
205. The spinal implant of claim 131, in combination with a fusion promoting substance.
206. The spinal implant of claim 205, wherein said fusion promoting substance includes at least one of bone, bone morphogenetic protein, hydroxyapatite, and genes coding for the production of bone.--.

B1

See